

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SIMONIA MECHELLE THORNTON)	
CUNNINGHAM,)	
)	
Plaintiff,)	
)	
v.)	No. 17-cv02861-JPM-cgc
)	
THE FEDEX CORPORATION, <i>et al</i> ,)	
)	
Defendants.)	
)	
)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
CLAIMS WITHOUT PREJUDICE**

The cause is before the Court on the Report and Recommendation of Magistrate Judge Charmaine G. Claxton (ECF No. 22), filed July 11, 2018. On July 23, 2018 Plaintiff Simonia MeChelle Thornton Cunningham filed objections to Judge Claxton's Report and Recommendation. (ECF No. 30.)

Pursuant to Federal Rule of Civil Procedure 72(b)(2), "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). The portions of a magistrate judge's recommendation as to which no specific objections were filed are reviewed for clear error. See Fed. R. Civ. P. 72(b) advisory committee notes; Howard v. Sec'y of Health and Human Servs., 932 F.2d 505, 509 (6th Cir. 1991) (noting that when a party makes a general objection,

“[t]he district court’s attention is not focused on any specific issues for review, thereby making the initial reference to the magistrate useless.”). “A general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.” Id. at 509.

In the instant case, Cunningham has failed to object to any of the statements set forth in Judge Claxton’s Report and Recommendation. The Report and Recommendation finds that Cunningham has failed to serve Defendants in accordance with Federal Rule of Civil Procedure 4(m), and recommends that the claims be dismissed without prejudice for that reason. (ECF No. 22 at 46-48.) Cunningham does not assert otherwise in her objection, nor does she show the “good cause” required to extend the period for service under Rule 4(m). Accordingly, Cunningham has not objected to any of Judge Claxton’s findings. On clear error review, Judge Claxton’s Report and Recommendation is ADOPTED.

In the time since Judge Claxton’s Report and Recommendation was filed, Cunningham has filed several summonses returned as executed on various defendants. These summonses do not cure the deficiency identified in Judge Claxton’s Report and Recommendation. The summonses were not served until after the 120 days allowed under Rule 4(m), so they do not cure Cunningham’s failure to timely serve the defendants.

For the foregoing reasons, Cunningham’s claims are DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this 24th day of July, 2018.

/s/ Jon P. McCalla

JON P. McCALLA
UNITED STATES DISTRICT JUDGE